

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
At Chattanooga**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No 1:15-cr-39
Judge Collier/Lee

ROBERT R. DOGGART,

Defendant.

**REPLY TO GOVERNMENT'S RESPONSE TO MOTION FOR BOND
PENDING RE-SENTENCING**

Robert Doggart, by and through counsel, files this reply to the government's response to his motion for bail pending resentencing pursuant to 18 U.S.C. § 3143. (Doc. 327.)

The government, in its response, argues that "[t]he defendant's primary weapon was his power of persuasion, based upon his ability to watch cable news and surf the internet. Those skills have not diminished with age." (Doc. 331, PageID #6064). Accordingly, it urges this Court to find that Doggart continues to present a threat to the community if released.

In reply to that Mr. Doggart would show the following: (1) The facts the government relies upon in its assertion were all present at the conclusion of trial when the attorney from the Department of Justice did not even think his bond should be revoked pending sentencing (Doc. 292, Trial Tr., PageID #5324); (2) Nothing said by Doggart at his allocution at sentencing in any substantive way changed the facts present immediately post trial; (3) Doggart has not been cut off from email during his imprisonment and yet, there is no evidence that he has continued with any fixation about bringing harm to Islamberg or that he has engaged in any dangerous or harmful conduct of any kind; (4) Doggart has not been cut off from access to telephone or

correspondence in which he could continue to wield his “power of persuasion,” and yet this has not occurred; (5) The government offers no evidence that Doggart remains fixated on bringing harm to Islamberg;¹ (6) Doggart clearly has mental health issues that contribute to his fixated thinking, and yet, there have been no further threats made to Islamberg; (7) Doggart has been a model prisoner whose obsession has shifted to exonerating himself from these charges and developing a productive plan for his future professional life; and (8) This Court can impose conditions of bond that disallow Doggart from having internet access.

Thus, the government fails to make a supported argument that Doggart continues to present a danger to the community. Additionally, as mentioned above, this Court can impose conditions to address his ability to wield his “power of persuasion.”

Finally, the concern that Doggart will contract Covid-19 if he remains in custody grows as the pandemic spreads within the BOP (it is confirmed to be present in 49 BOP facilities as of today). Since his supplemental motion filed on April 3, there are now confirmed cases of 620 inmates and 357 BOP staff. Additionally, 24 inmates have died. The increased number of infections among inmates since April 3, represents an increase of 827%. Further, these numbers are still not a result of widespread testing within the BOP. This is of concern as increasingly, where widespread testing has been conducted, large numbers of asymptomatic people are found to be positive. See for example the recent testing within the Tennessee Department of Corrections at the Bledsoe Prison.² Similarly, the local holding facilities used by the USM in

¹ If the government has evidence of Doggart’s continued threat against Islamberg, Doggart requests discovery of this information.

² <https://www.timesfreepress.com/news/local/story/2020/apr/20/150-more-tennessee-prisoners-bledsoe-facility/521077/>

this district are also not conducting widespread testing, so the presence of the virus is really unknown.

For all these reasons, Doggart moves the Court to allow him to be on bond pending his resentencing.

Respectfully submitted this 24th day of April, 2020.

FEDERAL DEFENDER SERVICES OF
EASTERN TENNESSEE, INC.

By: /s/ Myrlene R. Marsa
Myrlene R. Marsa
Assistant Federal Defender
835 Georgia Avenue, Suite 600
Chattanooga, Tennessee 37402
Myrlene_Marsa@fd.org
(423) 756-4349
BPR # 016798

By: /s/ Jennifer Niles Coffin
Jennifer Niles Coffin
Assistant Federal Defender
800 South Gay St., Suite 2400
Knoxville, Tennessee 37929
Jennifer_coffin@fd.org
(615) 736-5047
BPR # 020703